App F IX 4

2

Previous References
1944 Mc File No 48-44
Mc 1665-243-11/12 Municipal Serial Nos 123, 124

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 1170 30

Part B for March-45

SUBJECT

Objections against the election of Mr A R T Rajagopal Mudaliar as Non Official President of Municipality

The Complaint in Cr
L 9246 dated 14 3 45
Objections found untenable

22/4

3215

OFFICE OF THE DEPUTY COMMISSIONER
MYSORE DISTRICT

No DC-C 1121/44-45
Encl —

Dated Mysore the 9th November 1944

FROM

C L A Ramaiyangar Singh, Esqr
Deputy Commissioner Mysore District
MYSORE

SECY LAW DEPT 11 NOV 1944 GOVT OF MYSORE

To

C Narayanaswami Naidu, Esqr, B A, B L,
Legal Remembrancer and
Secretary to the Government of Mysore
Law Department, BANGALORE

SIR Subject - Re the Election of the Non Official President of Hunsur Town Municipal Council

I have the honour to state that the Privilege of having a non official President was conceeded to Hunsur Town Municipal Council by Government in their Order No L 9481-4/L1 185-43-6 dated the 11th March 1944 The Present Municipal Council has been been reconstituted in accordance with the Government Order No L 20/L1 44-44-6 dated the 26th Sept 44 The Amildar of the Taluk who is the ex- officio President, has taken action for conducting the election of the non official President on the 31st October 1944 and has sent his report in this behalf

In the meantime an objection petition has been presented to this office on 6-11-44 by Messrs S R Nanjappa, H N Raghavendra Rao and H R Seetharamiah contesting the validity of the election proceedings which took place on the 31st Oct 1944 I have referred this petition to the Sub Division Officer, Mysore for enquiry and report A final report on the findings of the Sub Division Officer together with my opinion will be submitted for orders of Government as early as practicable

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Lysore District

1) Subject to personal [illegible] Further report will be awaited
13/11

2) Mr. [illegible] no report as to whether [illegible] actually elected on 31 x 44 A report of this type is hardly of any use further report will be awaited.
Law Secy. 14/11/44

SECY LAW DEPT 3917 15 NOV 1944 GOVT OF MYSORE

3) call for explanation
4) A draft letter [illegible]
1/12

5) A petition has been [illegible]

2- From some of the Councillors the
minister has been pleased to decide that
the receipt of reports from the
be awaited of Municipalities

Sd
11/12/xx

6/ The petition as put up below

Sd 6/12

7/ Since the petition gives impression
that merely H R -D may appear to provide
I - R Rajapalayam were the contesting
Candidates, there is no necessity for
call for the enquiry. The report
of the D C will be awaited as ordered
by the Minister in the petition

Sd
6/12/xx

Sgd A
Sd 6/12

From The D C Tirunelveli
No D3 c 1191/44 dt 15-1-64

Ref a report in the matter of the validity of

8/ The report shows that the election of
M H R T Rajagopala Mudaliar as President
of the Bhuvanagiri Municipal Council has been contested
by certain interested members of the

Q

P

N

1

places on certain grounds detailed in their petition. The S D O, Nyamwa... was referred to, held an enquiry in the matter, finds no irregularities in the proceedings of the election held in this respect. The D C also agrees with the opinion furnished by the S D O and requests approval to the election of Mr M R T Rajagopala... Mudaliar as President of the Human... Tiruchirappalli

2) The petition received direct in this office is also put up herewith

3) Subject for orders with reference to para 7 supra

para 2 4) The opinion of the Law Secretary may be obtained in the several points referred to in the objection petition with reference to the findings of the S D O & Enquiry Officer thereon

Law Secy) Lr 23/1/45

12) Cir 24-1-45

13) Deputy of opinion

Asst Reg

Law Secretary) Lr 24/1/45

24 1 45

S D 0726—GPB—20 000—10 9 44

14) Submitted-

It is stated that reconstitution of the Hunsur Town Municipal Council was sanctioned by GO No L 20 MI MS 66 dt 26 9 44, that the privilege of granting elected a non-official president was granted by No L 9481-4 ml 185-45 6 dt 11 3 44 (vide President's report Fs R)

15) Under Rule Rule (1) a of the Rules framed for the election of President of Town Municipal Council, the date of the meeting for the election should be not later than two months from the date of the GO granting the privilege if the privilege of election is granted during the term of an existing council and not later than one month from the date of reconstitution

16) It will be seen the council was reconstituted from 1 10 44 the privilege of election was granted on 11 3 44 ie during the term of the existing council so Rule 1 (b) (c) have no application If no president was elected on per GO dt 11 3 44 and the order of reconstitution was passed on 26 9 44, it appears the present election which took place on 31 10 44 ie nearly seven months after the date of granting the privilege, contravenes the provision of law in Rule 1 (a)

6011/9 Elections under M Parl & Municipal Franchise Act

17/ It may, therefore, very usefully be made clear whether any Parish was elected on provisions of Govt No L 9481-4/ and 185-43-6 d 11 3 44 granting the privilege of election within two months of the order if not the general election held on the first time 7 months after the said Gov d 11 3 44 appears to contravene Rule 1 a of the Rules Submitted for Parl.

AMH 27/1/45

18/ The G O referred to in the Resolutions letter May Ro grants the privilege of electing a non-official person to sanitary/vestry Parishes & may please be put up immediately as the case of 6 or 8 other Parishes the date of the case of 01 members on May R have to be verified Please put up the latest copy of the Rules for the electing Persons & Com to be issued

W 29/1/45

Mr Soan I.C.S. 3/30/1/45

19/ Mr Reeves P.I. copy also from P.I. Mg

M 20/ A copy of G.O. dt 11-3-44 conferring the privilege of electing a non-official Person for the Municipal Town

1) Electing president to Hungarian Transmittal of
4714 — ——— of the
2
14 (and a Body) and a copy Rules relating to the
election of presidents to the
Transmittal slip (this may have to be returned
with the file) are put up, as required
at para 18 supra

Mrs
to 31/1 2) Action by
Law section req for 31/1/45
3
8/21

22) If the election at issue in
this case is the first after the date of the 9th Protocol
the procedure of election of its own non-official President,
then, it is alternative of Rule 7(a) of the Rules for
the election of Vice Presidents of Assembly Council

Book
sent back
to Sec
3
8/2/45

23) If the election is not the
first, then it is as for Rule 7(b) that it
may stand

24) This point may please
be clarified. Action Secy
ASS) 3
8/21

5) P.L enquire of Mr D.C
about it
to
9/2/45

26) A draft letter as put up
Mrs 10/2
27) Approved
to
10/2/45

TRANSMISSION
13 FEB 1945
SECRETARIAT

28) Letter received
Reply read
Draft put up
P.L. for calls for certain information

Election of pdt to the Hunsur Town Mul-cls

From the D C Mysore ol-

No D3 C 1191/44 dt 25-2-45-

Furnishes the information called for

(1) It is seen from the Dcs report, election was held for the presidentship of the Hunsur Town Mul cl within two months from the date of GO dt 11-3-44 granting the privilege to the said Mul cl to elect a non-official president and the same was approved by the govt in Notification dt 12-6-44 The election of the president now reported by the D C is the second one after the grant of the privilege and the first since the Mul cl was reconstituted with effect from 26-9-44

(2) In the above circumstances a draft Notification approving the

4764

5698 Election of President to the House of the Hon'ble Supreme Court - 725/64
P

Election of the H R T Rajagopala Mudaliar is put up for orders, in view of the observations given the Secy, Law at paras 22 to 24 supra

Mr 3/3 References paras 22 to 24 of the notes thereon

Secy Law Secretariat 3/3/65

Mr N K H

XXX
alternative
3
3/3/1

Submitted -

With ref to paras 22 to 24 ibid ref is invited to the D O letter dated 25 2 65 (Fg B) stating that the proposed election is second from the date of granting the privilege (vide Rule 11) 11 3 64 and first from the date of reconstitution i e 1 10 64. The election being held on 31 10 64, it satisfies Rule I (11) of the Rules and is in time

With ref to observations in minute (vide petition Fg Q) the first observation that the meeting was held at 4 30 p m instead of at 4 p m as scheduled, does not hold water

in as much as the proclamation of attend
ch began by about by 4 p m This is
fully substantiated by the evidence of
the Amildar (Fo A) Gavan (Fo C) though
this is not refuted by any counter evidence

Secondly, that the President
helped the two councillors in voting does
not seem to be wrong after the events
of the case, in the absence of any specific
mention in the rules except the two persons
names, Gavaran and Mahmood Gamal Sab
(did not know the Kannada) rule
statement (c)

Thirdly the exercise of vote by
the Amildar having previously stated that
he would not, does not vitiate the election
as it is in his discretion to vote or not
The 4th & 5th objections that the
Amildar did not appoint tellers, and
did not put the papers in the box
cannot stand when the Amildar has
deposed that (Fo A) that the procedure
was strictly followed there is no contrary
evidence the non-appointment of
tellers does not vitiate the election
in as much as the rules do not

Election of President to Hunnur Town Ml cl 7257/pc
provide for them and it is now
a "matter" of common [illegible] appears
that therefore that the election
of one HRT Rajagopala Naidu
as President of the Municipality
(d 31 10 45) appears to be an order
Submitted for orders. Copy of the
order is put up for the kind perusal of

MWH
5 3 45

Hon'ble Minister

Hon'ble Minister will kindly see
that the present Election petition
dtd 2nd Nov was filed by the petitioner
in person and as it is a matter pertaining
to the declaration of the result of the
Council, it is in accordance with Rule I (11) of the Election Rules
The other objections are
vague, and not proved
Therefore there does not appear
to be any substance in the objection
(Para 9) and that the election be upheld

Dy Secretary 3/8/45 (LOYOLA)

Chief 6 3 45

Addl Secy 3/8/45

Secretary 7/8/45 for Minister

All the objections preferred in
the ~~appeal~~ petition objecting to
the election of Mr. M A J Rajagopala
Naidu are found to be untenable
by the Enquiry Officer (A D O Nagapattinam
Revenue Sub Division) and he
supports the findings of the
Enquiry Officer. The Law Section
says that there is no substance
in the objections preferred
in the cases and that the order
appointing the elected as President, Union
of Mr. M A J Rajagopala Naidu
appearing the election is petitioned
for appl

7/Nov

Lawsec

7/Nov

As the objections are
untenable the petitioner
may be apprised

Sec
8-3-45

CFr OF THE MINISTER
FCR L S G & P H
Date 8-3-45
No 6908

L 9246 & 16/3/45

Notifies the election
Bma
26th M Rajagopala Naidu as President.

Sec
9 3 45

Sec
10 3-45

To,

The D C Dyche Lt

12

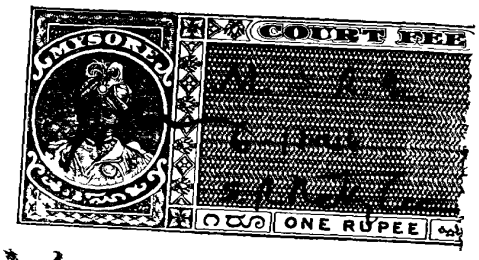
Sir,

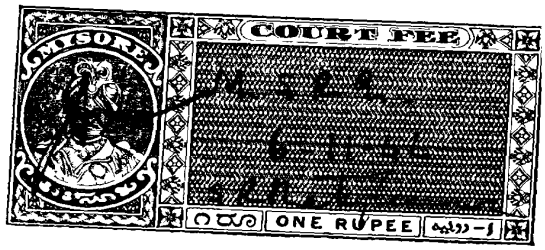
With reference to your letter no D3-E 1191/44 of 9-11-44 re the ~~same~~ ~~election~~ ~~official~~ President ~~of the~~ to the House of Times Mr el I am directed to observe that your reply gives no information as to who was actually elected as President on 31 X 44 and that the reply of this type is hardly of any use

Detailed information together with the one promised ~~for~~ there on may kindly be sent immediately

I have etc

Secy Lab





20454

Mun Ref No 3654/Land 13/46-11-cv

Court fee

To the Honourable
In charge of
Law & order & Local Self
Government of His
Highness the Maharaja
of Mysore -
Bangalore

GEN & POL DEPT
27 NOV 1946
10

OFFICE OF THE LAW SECY
FOR L S G & P H
Date 27 11 46
No 582

SECY LAW DEPT
GOVT OF MYSORE

Law secy Petitioner
Mr Preem

S R Nanjappa
Municipal Councillor
Hunsur Town
Municipality
x Hunsur x
Mysore Dist

The Petitioner most
humbly begs to place the
following a few lines for
your Honours kind and
favourable perusal and
for immediate suitable order,
Whereas Rule 14 of the Rules
framed under Sec 23 of the
Town Municipal Regulation
for Conducting the Elections

10 of a President of the town
Panchayat —

1) That the Hemsu Town
Panchayat was reconstituted
from 1-10-44 The Petitioner
is one of the elected Councillors

2) That the Said Panchayat
has been given the privilege
of electing non-official
President

3) That the Appointed as President
notified to all the Councillors
that the election for the President
would be held on 31-10-44
at 4 P M (precise) and the
nominations have to be
Communicated on or before 23 10 44

4) That the election was held
on 31-10-44, the two candidates
being the Petitioner and
another Councillor Mr
M R D Raja Gopal Naidu,
who has been declared as
the President

5) That the election of Sri
M R J Raja Gopal Mudhaliar
for the Presidentship is
challenged for the following
among other grounds.

a) That the meeting and the
election was not held at the
proper time as it had
been notified At the notified
time the following gentlemen
were not present
Messrs
M/s Mylanah
Bareqowda.
Doctor Sri Krishnamyam
Mahomad Hussain alias
Saijansab

and, must to become the members
of these bodies the meeting
and the election was not
conducted according to
the notified time but are
commenced after 4 30 PM
And if the meeting had been
held at 4 PM the above-
named gentlemen could not
have had the opportunity

1h of exercising their vote
& the election would have been
completed in half an hour.

(b) That the Armed or president
drew the attention of the
Corporations to the voting
papers and explained to
them very clearly in Kannada
as follows - ಅಧ್ಯಕ್ಷರಾದವರು ನಂಬಿಕ್ಷನವರು HRT ಅಂಚೆ
ಸಿಂದಗಿಯವರು ಮತದಾನ ಕೇಂದ್ರಕ್ಕೆ R
ನಂಬಿಕ್ಷನವರು ಮತದಾನ ಕೇಂದ್ರಕ್ಕೆ
ಬ್ಯಾಲಿಸಿಂದಗಿಯವರು ಮತದಾನ ಕೇಂದ್ರಕ್ಕೆ
ಎರಡನೇ ಪತ್ರಗಳು ಬ್ಯಾಲಿಗ ನಂಬಿಕ್ಷನವರಿಗೆ
ನೀವು ಇಲ್ಲಿ ಮತ ಚಲಾಯಿಸಿದ ನಂತರ
ಪಿಸಿನವರು ಬಂದ X ಮತ್ತು ಸಹಿ ಮಾಡಿದ
ನಂತರ ನೀವು ಇಲ್ಲಿ ಸಿಸಿ ಮಾಡಿದ
ಈ ಬಿಂಕ ಕೋವರನ್ನು ತೋರಿಸಿ ವೀಕ್ಷಿಸಿದರು
ಕಳಿಸಿದರು

Then the Voting Commenced,
Several Corporations visited and
the Chance to exercise the
vote Came to mean — (1)
Jan anaye (2) Mahomad Jamalsab
These two Corporations are
illiterate persons and this
can be verified by looking
to the Counterfoil of the

Voters to which their
Signatures have been obtained
Though these two gentlemen
deserve, seek the assistance
of the President in H R T
Ra Ra Ro hai ~~Ma~~ Mathur
Jagannath Sahai & their other
Supporters has induced the
President to mark his vote
for them. The American President
had absolutely no right
to mark the vote for them and
it is not contemplated
under any of the provisions
of the Rules of election to
assist a literate voter who,
quite hale & healthy, is
exercise his vote. The Assistant
who is meant to assist them
Raja Sahib & Mathur and his
party, have made
the votes of these two gentlemen
in favour of Sri Mathur
If the voters have themselves
had exercised the vote it is
not known to-day how and
to whom they would have voted

c) The Amuldar presided
declared before the Council
after all the Voters had voted
and before he announced his vote
that he does not exercise his right
of Voting in favour of any one
and directed the clerk in
attendance to bring the
ballot box to be opened for
Counting
The case of the Municipal Council
Harlapur, Mr H N Raja Gopal
Hindhara has other party people
persuaded and influenced
the Amuldar to exercise his
vote in favour of their party
The Amuldar thereby he had
no right to vote after having
declared that he does not
exercise his right to vote,
resolved to keep in abeyance
and vote in favour of the
Municipal

d) That after obtaining vote
the Amuldar did not announce
any tellers to vote He did not

above the Voting papers by the returning officer of the Council just to verify if the votes recorded are valid or not. The president also must actually count the votes, openly in the presence of the Council & he must declared that the candidate by Majority is declared as the president elected having secured more votes. The president then took the signatures of the Councillors to the proceedings Book & the meeting was closed

e) The President according to the Voting papers in the box in the presence of the Councilors & seal the box through he was legally bound to do such

That for the reasons stated the petitioner must humbly prays that the election held on 31 October be set aside and re-election ordered. The petitioner has also filed

another petition before the
deputy Commissioner

SR Narsimha
Memorial
Committee

6/11/14
Hearing

OFFICE OF THE DEPUTY COMMISSIONER
MYSORE DISTRICT

No D3 C 1191/44-45
Fncl 1 File

Dated Mysore the 15th January 1945

FROM

C M H Ranajodha Singh, Esq , B A ,
Deputy Commissioner, Mysore District

To

C Narayanaswamy Naidu, Esq , B A , B L ,
Legal Remembrancer &
Secretary to the Government of Mysore
Law Department, Bangalore

SIR

Subject - Election of the non-official President, Hunsur Town Municipal Council

In continuation of this office letter of even No dated the 7th November 1944, on the above subject, I have the honour to forward herewith the connected records and to state as follows:

The Amildar of the Taluk, who is the ex-officio President, conducted the election proceedings for the election of a non-official President on the 31st October194 and submitted the connected records requesting approval for the election of Mr H R T Rajagopala Mudaliar who secured the highest no of votes as the non-official President of the Hunsur Town Municipal Council In the meantime Messrs S R Nanjappa, H N Ragavendra Rao and H R Seetharamayya presented an objection petition to this office on 6-11-44, contesting the validity of the election As the objection was filed within the prescribed time limit, it was referred to the Sub Division Officer, Mysore, for holding a detailed enquiry and report

The Sub Division Officer, Mysore has examined the several points of objections and has opined that the -- elections of the President has been conducted by the Amildar on 31-10-1944 as per rules and that there is neither any irregularity nor illegality in conducting the said election

In this connection, I wish to state that of the points on which the petitioners have preferred the objection petition the following points viz , that the -- election was not held at the time fixed for holding the election, that the presiding authority was influenced by others to exercise his vote inspite of his telling beforehand that he would not exercise his vote; and that the presiding authority took the initiative in influencing two of the Municipal Councillors, M/s Javarai and Mohamad Jamal sab in marking their votes and that the voting papers were not sealed and kept in a box, require consideration

The Sub-Division Officer who conducted the -- enquiry has stated in his report that the preliminaries like checking of attendance etc , to hold the election proceedings were started on 31-10-44 at 4 p m the time fixed for holding the election and that the Presiding authority neither influenced any body nor he was influenced by any body in conducting the election proceedings.. He has further stated that the president only helped

P T.O

helped M/s Javarai and Mohamed Jamal sahib to mark their votes in accordance with their wishes as both of them do not know reading, and that the president is at liberty to exercise his vote at any time before the closing of ballot Moreover, Mr S R Nanjappa, one of the petitione s had contested the election and did not succeed in securing the highest no of votes, and there are sufficient reasons to believe that the present objection petition may be the outcome of his defeat in the election, as all the Municipal councillors have stated before the Sub Division Officer tha the preliminaries for election proceedings were started at 4 p m on 31-10-44 and that the President helped the illeterate councillors only after obtaining the consent of the council If there were any objections for adopting this proceedure nothing prevented the petitioners from raising them at that time of electing and getting their 'dissent' recorded in the minutes of the meeting proceedings In the absence of this, there is every reason to believe that the feeling of the objection petition is only an after-thought In these circumstances, I am of opinion that the objections raised by the petitioners be over-ruled I request that the approval of Government may be kindly obtained to the election of Mr H R T Rajagopala Mudaliar who has secured the highest no of votes as the Non-Official President of the Hunsur Town Municipal Council and that his name may be kindly caused to be published in the Mysore Gazette

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Mysore District

To, L 80480/73/2 45

The D C Mysore &c.

Sir,

I am directed to request you to intimate by return of post whether the election held for the President-ship of the Municipal Council, as reported in your letter No D3 C 1191/44 dt 15-1-45, is the first election after the issue of GO No L 9481-4/Rul 185-43-6 dt 11-3-44 granting the privilege to the ~~Municipal Town~~ Council of electing a Non-Official President and whether any action has been taken to hold the

helped M/s Jawarai and [illegible]

2 (1) election for the presidentship of the
mc el within two months from the
date of ~~the~~ the issue of the said gr, as
required under Rule 1(a) of the
election rules ~~for the~~ regulating
the election of presidents to the
Town mc cls
A very early reply is requested

Yours etc
for
Joseph Law

No D3 C 1191/44-45

OFFICE OF THE DEPUTY COMMISSIONER,
Mysore District,
Mysore Dated the 25th February 1945.

5698

From

C M P Ranajodha Singh, Esq., B A.,
Deputy Commissioner, Mysore District,
Mysore

To

C Narayanaswamy Naidu, Esq., B A., B L.,
Legal Re embrancer & Secretary to Government,
Law Department, Bangalore

Sir,

Subject:- Election of Non-Official President at Nunsur Town Municipal Council

With reference to your letter No L 6088 Dated the 13th February 1945 enquiring whether the present Election is the first one after the issue of Government Order No L 9431-4/ML 185-43-6 Dated 14-3-1944 granting the privilege of having a non-official President to Nunsur Town Municipal Council, I have the honour to state that the first election of Rao B T Rajagopala Mudaliar as the President of the Nunsur Town Municipal Council has been duly published in Notification No L 12301/ML 186-43-12 Dated 14-6-1944 In these circumstances, the Election reported in this office letter No D3 C 1191/44-45 is the second One, since the grant of the Privilege of Electing a non-Official President to Nunsur The Present Council has been re-constituted with effect from 1-10-1944 in accordance with Government Notification No L 2 /ML-41-44-6 Dated 26-9-1944

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Mysore District

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. L-9246 / Lu-42-44-124

General and Revenue Secretariat

Dated Bangalore 14 March 194 5

NOTIFICATION

Under Section 23(2)(c) of the Mysore Town Municipalities Act, 1933, Mr H S Y Rajagopala Mudaliar is elected President of the Nunsur Town Municipal Council, Mysore District

By Order,

Secretary to Government,
Law Department

To

The Comptroller, Mysore Gazette, for publication in Part III-3 of the Gazette and supply of 5 copies thereof to the Secretariat and the Deputy Commissioner Mysore District

L-9246 14/3/41-
12 copies 14 42 - 14-124

G P S App F G 3

GENERAL AND REVENUE SECRETARIAT

(Continuation sheet draft form)

Notification

under sect 23 (2) (c)
of the Mysore Town Inlltion
Act, 1933, the H R T Rajagopala Mudaliar is elected
president of the Hunsur
Town Inl ctl, Mysore dt

To, Govt Secy Law

the compiler Mysore gazette
for publication in part-III-3
of the gazette & supply of 5
copies thereof to the
secretariat & the D c
Mysore dt

Memo L-9247 14/3/41-
copy of the above is
forwarded w/c to the D c
Mysore dt with reference
to the correspondence ending
with his letter no D3 c 119/44
dt 25-2-45
Recd same

Govt

OS 12.3.41

W I O 2 GIB— 00—16 2 37